

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

OBBIE WARD, JR.,

Plaintiff,

v.

Case No. 06-C-1243

CATHY JESS, Warden, et al.,

Defendant.

ORDER

Obbie Ward, a prisoner in the custody of the Wisconsin Department of Corrections, filed this pro se action seeking relief under 42 U.S.C. § 1983 and the American's with Disabilities Act. On July 6, 2007, I granted the defendant's motion to dismiss on the ground that Ward had failed to exhaust his administrative remedies. Judgment in favor of the defendants was entered the same day. On July 17, 2007, Ward filed a timely notice of appeal and on August 1, 2007, he filed a motion for leave to appeal *in forma pauperis*. Finding that the appeal was objectively frivolous, I concluded that it was not in good faith and denied Ward's motion to proceed *in forma pauperis* on appeal by order dated August 14, 2007. Ward was ordered to pay the \$455.00 filing fee in his appeal, or face dismissal. Ward has since filed a letter with the court explaining that he does not have \$455.00 for the filing fee and requesting that the court waive the fee or reserve his right to appeal until after he is released. Ward also alleges that Dodge Correctional Institutional is taking too much money out of his account and requests that I take steps to correct the problem.

Having determined that Ward's appeal would not be in good faith, I decline his request that I waive the \$455.00 filing fee or reserve his right to appeal until after he is released. I also have no

authority to investigate and correct whatever action Dodge is taking with respect to his prison account. No claim against Dodge relating to his account is presently before me. If Ward is unable to pay the \$455.00 filing fee for his appeal, and nevertheless wishes to proceed, his only alternative at this point is to file a motion to proceed on appeal *in forma pauperis* directly in the Court of Appeals. Such a motion must be made within 30 days of the service of the previous notice by the court advising him that his motion to appeal *in forma pauperis* was denied. *See* F.R.A.P. 24(a)(5). Accordingly, and for the reasons set forth above, Ward's request for various relief, including the waiver of the filing fee and preserving of his right to appeal are denied.

SO ORDERED this 13th day of September, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge